

**CHARTER REVIEW COMMITTEE
MEETING MINUTES
October 14, 2008**

CALL TO ORDER

7:00 p.m.

Chairman Nielson

FLAG SALUTE

ROLL CALL

Aboud, Gerry Vice-Chair
Brandt, Susan
Fiske, Jack
Frank, Steve
Hazelwood, Lee

Hemshorn, Catherine
Honeywell, Virginia L.
Kingsley, Alan
Nielson, David, Chairman
Quigley, Brian, absent

STAFF:

Don Eubank, City Administrator
Rebecca Petersen, Deputy City Recorder

FACILITATOR: Nancy Boyer, Executive Director
Mid-Willamette Valley Council of Governments

Approval of September 30, 2008 Meeting Minutes:

Mr. Eubank reviewed the additions to the minutes as reflected in page 4 of 5, since the Charter Review Committee packets were distributed. Mr. Hazelwood pointed out that on page 1 of 5 Business from the Chair, the last two paragraphs, and issue should be an issue.

MOTION: From Mr. Fiske, and seconded by Mr. Hazelwood, to approve the Charter Review Committee Meeting Minutes of September 30, 2008 as presented.
Motion passed: 8:0.

Due to his absence at the September 30, 2008 meeting, Mr. Hazelwood withdrew his second. Ms. Honeywell seconded the motion.

Business from the Chair: Mr. Nielson stated there was none.

Continue Review of City of Stayton Charter:

Chapter III - Section 9: Mayor: Ms. Boyer stated that at a previous meeting it was decided that the committee would review the Mayor's terms, and Term Limits on the Mayor position. Currently language in the Charter states that the Mayor is elected for a two year term.

MOTION: From Mr. Hazelwood, and seconded by Mr. Frank, to retain the current term limits for both Mayor and Council positions.

DISCUSSION: Mr. Nielson stated that if the current term limits would stay the same, the motion should be to end discussion.

MOTION: From Mr. Hazelwood, and seconded by Mr. Frank, to end discussion on Chapter III, Section 9: Mayor, and to move on to the next item.

DISCUSSION: The current two (2) year term for Mayor, and the three (3) consecutive terms will be retained. Other options should be discussed and not end the discussion.

MOTION PASSED: 6:3 (Aboud, Brandt, Frank, Hazelwood, Honeywell & Kingsley):(Fiske, Hemshorn, Nielson)

Chapter III - Section 12: Compensation: Ms. Boyer reviewed the language of the current City Charter regarding Compensation, the League of Oregon Cities (LOC) Model Charter, and the Oregon State Statute (ORS) 294.352.5 pertaining to compensation. The Council is responsible for approving and setting the compensation for officers and employees. In the LOC Model Charter, it identifies how it would be accomplished as part of the budget approval.

The city's current budget for each department lists a line item compensation amount for each of the employees by title. The Council is also involved in approving any contracts that are entered into with any of the bargaining units, salary study implementation the council would be involved in, and the budget is the document that would establish whether or not the funds would be available for compensation.

Point of Clarification: The word "bullet" that is referred to in the preceding dialogue, is referring to the bullet on the Facilitator's flip chart.

Comments/Questions:

1. When the city is in the budget process, they need to take into consideration that a lot of folks are on a fixed income. The word "shall", should replace the word "must".
2. Keep the existing language (second bullet) otherwise the Council will loose control over the compensation, and the budget committee would be approving the individual employees rates.
3. The two bullets should be combined. The first action is that the City Council has the authority to fix the compensation package, and the second is that according to state law the City Council must authorize the payment of that compensation by budgeting the amount to cover the cost.
4. If the Budget Committee is recommending compensation, why would the Council need to have authority over that? It's like telling the committee their work is for nothing.
5. The budget process is not fixing rates, it's an estimate. The budget process is not setting compensation rates.

6. The Council is part of the budget committee. When the committee has completed the budget process, the budget is then forwarded to the City Council for final approval.
7. The Council sets goals and as part of the budget process they might ask Staff to review a specific goal, such as evaluating salaries. The City Administrator puts the budget together then, the budget committee reviews the budget and can make changes. At that point the committee would know what the Council wants out of city government, then they can choose to fund it or not.

MOTION: From Mr. Aboud, and seconded by Mr. Fiske, that Chapter 3, Section 12, Compensation leave the existing language (first bullet), and add the second bullet.

DISCUSSION: The second bullet was added, as it helps to clarify the roles of the Council and Budget Committee.

MOTION PASSED: 9:0.

Chapter IV – Council: Section 13: Meetings: Ms. Boyer stated that the first sentence states “The council shall hold a regular meeting at least once a month in the city at a time and at a place which it designates”. Chairman Nielson asked Ms. Petersen if she was aware of any issues with this system. Ms. Petersen stated that the Stayton Municipal Code calls for meeting on the first and third Monday’s of the month. The first sentence was not changed.

Ms. Boyer stated that the second sentence is to adopt rules for the governance of its members and proceedings. There was no change in this sentence.

Ms. Boyer reviewed the third sentence calling for special meetings.

Questions/Comments:

1. The last sentence, “Special meetings of the council may also be *held*.....” this should be changed to, “....may also be *called*”.
2. What is the reason for the last sentence?

Ms. Boyer stated that it might be if no one wants to make a motion for a special meeting, they all agree without making a motion.

3. When special meetings are called, how much notice is given to the people?

Ms. Boyer stated that it would be posted 24 hours before the meeting.

MOTION: From Mr. Fiske, and seconded by Mr. Aboud, to remove the last sentence of Section 13, referring to special meetings of the council.

DISCUSSION:

1. For special meetings there should be enough notification to the public, as some folks don't subscribe to the newspaper.

Mr. Eubank stated that public notices are posted in various locations, the internet, and radio stations. Every effort is made to notify folks but there is always the possibility that someone will not be made aware.

MOTION PASSED: 7:2 (Aboud, Brandt, Fiske, Hemshorn, Honeywell, Kingsley & Nielson):(Frank & Hazelwood)

Chapter IV – Section 14: Quorum:

MOTION: From Mr. Frank, and seconded by Ms. Hemshorn, to utilize the language in the LOC Model, that a smaller number may meet and compel the attendance of absent members.

DISCUSSION:

1. The LOC Model language says the same thing but is worded better.
2. If you compel a councilor to come to a meeting and they abstain from voting, what have you gained?
3. At the recent League of Oregon Cities Conference, there was discussion suggesting adoption of a rule that a councilor cannot abstain from voting.
4. This should be outlined in a set ordinance instead of council rules that change and are harder to enforce.

MOTION FAILED: 3:6 (Frank, Hazelwood & Hemshorn):(Aboud, Brandt, Fiske, Honeywell, Kingsley & Nielson)

Section 15: Record of Meetings: - No Change.

Section 16: Proceedings to be Public: No Change.

Section 17: Mayor's Functions at Council Meetings: No change in wording to this section, other than combining it with section 20.

MOTION: From Mr. Frank, and seconded by Mr. Fiske, to combine Section 17: Mayor's Functions at Council Meetings, and Section 20: Mayor. **MOTION PASSED:** 9:0.

Section 20: Mayor:

Comments/Questions:

1. The mayor position should not be able to appoint themselves to a committee, as it's not appropriate.
2. They council can ratify or not ratify the Mayor's appointments, which would give them the opportunity to not ratify the appointment of the Mayor if they didn't agree with it.
3. There are committees that the Mayor should be on, and in the past they have done a lot of work on various committees which the city has benefitted from.
4. Committee members discussed various opinions as to whether or not the mayor position should serve on the budget committee as a voting member.

MOTION:

From Mr. Kingsley, and seconded by Mr. Fiske, to end discussion on Section 20: Mayor.

DISCUSSION:

1. Closing discussions would minimize, and degrade the discussions of the charter and what the committee is about. By not having the opportunity to discuss the other parts of the section. This would be against the mission of the committee.
2. The Mayor's ability to VETO needs to be discussed.

MOTION FAILED: 3:6 (Fiske, Honeywell & Kingsley):(Aboud, Brandt, Frank, Hazelwood, Hemshorn & Nielson).

Comments/Questions:

1. The mayor's veto does not work. There are not seven members on the Council, there are five. If an ordinance gets passed it is by three people, and if it gets vetoed then those same three people will vote again.
2. The veto power is there for protection, and does not necessarily need to be used.
3. The mayor and the council work together and it should be considered that the mayor is part of the council.
4. If the mayor veto's and ordinance the reasons have to be very specific as to why the veto took place, so the wording should stay in the charter.

MOTION:

From Mr. Fiske, and seconded by Mr. Kingsley, to end discussion on *changing the veto*
in Section 20: Mayor.

MOTION PASSED: 7:2 (Aboud, Brandt, Fiske, Hemshorn, Honeywell, Kingsley & Nielson):
(Frank & Hazelwood)

MOTION:

From Mr. Kingsley, and seconded by Mr. Aboud, to end discussion on *The mayor shall appoint committees as provided by the rules of the concil*, in Section 20: Mayor.

MOTION PASSED: 9:0

MOTION:

From Mr. Kingsley, and seconded by Mr. Fiske, to end discussion on *shall sign all records of proceedings approved by the council* in Section 20: Mayor.

MOTION PASSED: 9:0

MOTION:

From Mr. Kingsley, and seconded by Mr. Fiske, to end discussion on, *After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond*, in Section 20: Mayor.

MOTION PASSED: 9:0

Ms. Boyer asked if the committee wished to see anything added to Section 20, Mayor; there were none.

Section 18: President of the Council:

Comments/Questions:

1. If the mayor is absent, and an appointment needs to be made, can the president of the council make the appointment?

Ms. Boyer stated that if the appointment was listed as an agenda item, it would be ok for the council president to make the appointment.

2. There is a difference between the mayor being absent for one meeting or being out for sometime.

Ms. Boyer stated that by the mayor being gone for a meeting, the council president will preside over the meeting but will not take over the duties and the functions of the mayor. Referring to the council rules, section 14, President of the Council, Mr. Eubank reviewed the wording that clarified *the President of the Council shall serve as acting Mayor whenever the Mayor is unable to perform the duties of the office and shall have the powers of the Mayor*

while acting in that capacity.

Ms. Boyer stated that she would review other city charters to determine how the language should read, and bring it back to the committee.

Section 19: Vote Required:

Questions/Comments:

1. The wording of the LOC model language should be used as its cleaner.

Ms. Boyer stated that while the wording is different the idea is the same. If the wording from the LOC charter for this section is going to be adopted, the committee would need to rewrite the “majority of the council” so it doesn’t reflect that an exception is being made.

2. If it takes a quorum to open a meeting and to run a meeting, it should take a quorum to vote.

Committee members requested clarification from legal counsel on the language in the section.

MOTION:

From Mr. Kingsley, and seconded by Mr. Aboud, to end discussion of Section 19: Vote Required.

MOTION PASSED: 6:3 (Aboud, Brandt, Fiske, Hemshorn, Kingsley & Nielson): (Frank, Hazelwood & Honeywell)

Section 21: Municipal Judge: Ms. Boyer stated that in reviewing this section, the Model Charter, and the agreement Stayton has with Marion County, she tried to come up with policy questions. She will research this issue and bring back clarification for this section at the next meeting.

Section 22: City Administrator: Ms. Boyer distributed Chapter 2.08 of the Stayton Municipal Code, 2.08.130 Powers and Duties: for committee members to review before the next meeting.

Public Comment: A public sign up sheet was provided for those persons interested in addressing the committee at the end of the meeting. James Loftus, Stayton, Oregon, signed the sheet to address the committee.

Mr. Loftus stated that he appreciates all of the work that the Charter Review Committee is doing, and would like to offer some suggestions. Referring to the City of Damascus charter, Mr. Loftus stated that Stayton needs to consider citizens property rights and have them embedded in the

charter. He also suggested creating wards/districts in order to have better representation of

councilors.

Adjourn: There being no further business to come before the committee, the meeting was adjourned.

Respectfully submitted by Rebecca Petersen, Deputy City Recorder on this 28th day of October 2008.

DRAFT